

FISCAL NOTE

HB 372 - SB 298

February 17, 2001

SUMMARY OF BILL: Expands crime and penalties related to the unlawful carrying, possessing and use of firearms and creates new offenses involving discharge of a firearm from a vehicle as follows:

- Increases penalty for carrying a firearm with the intent to go armed punishable as a Class A misdemeanor if a person has a prior conviction for weapons possession, assault, or simple possession or casual exchange of drugs punishable as follows: 1st violation - minimum mandatory sentence of 30 days imprisonment up to 11 months and 29 days; 2nd violation - minimum sentence of 60 days imprisonment up to 11 months and 29 days; 3rd and subsequent violation - a Class E felony with minimum mandatory sentence of 150 days imprisonment up to two years. Sentences will not be probateable and served at 100 % of sentence imposed.
- Prohibits the possession of a firearm by a person previously convicted of a felony punishable as a Class E felony unless the prior offense was first degree murder or a Class A or B felony which will be punishable as a Class D felony; prohibits possession of a firearm during the commission of, attempt to commit, or escape from a crime punishable as a Class E felony; prohibits use of a firearm during the commission of, attempt to commit or the escape from a crime punishable as a Class C felony. Sentences will not be probateable, served 100 % of sentence imposed and served consecutively to any other sentence.
- Increases punishment for possession, manufacturing, transporting, or selling explosives or explosive weapons, machine guns, short-barrel rifles or shotguns and firearm silencers from a Class E felony to a Class C felony. Sentences will not be probateable and will be served at 100 % of sentence imposed.
- Creates a Class A felony offense for discharging a firearm from a vehicle causing serious bodily injury to another person; A Class B felony offense for discharging a firearm from a vehicle causing bodily injury to another person; and a Class C felony offense for discharging a firearm from a vehicle creating a substantial risk of bodily injury to another person or causing property damage to a habitation.
- Provides that any firearm or vehicle used during the commission of any of these offenses will be forfeited.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$26,786,700/Incarceration*

Increase Local Govt. Expenditures* - \$246,000

Increase Local Govt. Revenues - Not Significant

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Estimate assumes:

- Most aggravated offenses involve the possession and/or use of a firearm and an estimated 645 offenders with prior or current felony convictions will serve additional sentences for these firearm offenses;
- An estimated 150 misdemeanants will serve additional minimum mandatory sentences for firearms violations. Forfeitures of vehicles and firearms are estimated to result in an insignificant amount of local government revenue.

**Section 9-4-210, TCA, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated for operating cost, in current dollars, shall be based upon the highest cost of the next 10 years, beginning with the year the additional sentence to be served impacts the correctional facilities population.*

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director